

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-VS-

JOHNMICHAEL SANTIAGO,

Defendant.

DECISION AND ORDER

24-MR-6042-CJS
24-MR-6043-CJS
22-MJ-4059-MWP
23-MJ-4059-MWP

Siragusa, J. This case, currently pending before Magistrate Judge Marian W. Payson, was referred to this Court on April 11, 2024, for a *de novo* review of the Report and Recommendation ("R&R") which Magistrate Judge Payson filed on April 11, 2024, recommending that defendant is competent to stand trial. (24-MR-6042, ECF No. 2; 24-MR-6043, ECF No. 2; 22-MJ-4059, ECF No. 59; and 23-MJ-4059, ECF No. 31). As to her recommendation itself, Magistrate Judge Payson explains:

Santiago was evaluated in late January and February 2024 by Kristin Conlon, Psy.D, a forensic psychologist at Metropolitan Correctional Center, Chicago, Illinois.(22-MJ-4059, Docket# 56; 23-MJ-4059, Docket# 28). On or about April 2, 2024, this Court received Dr. Conlon's report diagnosing Santiago with "unspecified schizophrenia spectrum and other psychotic disorder" and "cannabis use disorder, moderate," but opining that "neither of these diagnoses was significant to [his] competency" and that he is currently competent to stand trial. (Id.). Dr. Conlon's report reflects a careful evaluation of both Santiago's ability to understand the nature and consequences of the proceedings against him and ability and willingness to assist properly in his defense. (Id.). Dr. Conlon observed that if Santiago were to discontinue his prescribed medications, however, "there is a chance his competency-related abilities will become impaired." (Id.).

At the court appearances on April 5, 2024 and April 10, 2024, neither the government nor the defense contested the report or the opinions contained therein. (22-MJ-4059, Docket## 57, 58; 23-MJ-4059, Docket## 29, 30). The defense requested that the findings be adopted without a hearing and the defendant be adjudged competent to stand trial; the government did not oppose that request. (Id.). Upon careful review of the thorough report, this Court finds by a preponderance of the evidence that the defendant is not presently suffering from a mental disease or defect that would render him mentally incompetent to the extent that he would be unable to understand the nature and consequences of the proceedings against him or render him unable to assist properly in his defense. See 18 U.S.C. § 4241.

R&R, pp. 1-2. The time has passed to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in the Magistrate Judge Payson's R&R, (24-MR-6042, ECF No. 2; 24-MR-6043, ECF No. 2; 22-MJ-4059, ECF No. 59; and 23-MJ-4059, ECF No. 31), the Court finds that the defendant is competent to stand trial.

IT IS SO ORDERED.

Dated: Rochester, New York
 May 3, 2024

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge